
CHAPTER 3. DELEGATIONS OF AUTHORITY

- 3-1. DEFINITION. A delegation of authority is a legal instrument which assigns all or part of the authority of a Department office or position to subordinate offices or positions. Delegations of authority usually confer the right to redelegate all or part of the authority covered by the
- * delegation. Although the flow of delegations of authority follows lines of organization, delegations are not used to establish organization patterns. Organization Handbooks establish organization patterns. *
- 3-2. POLICY AND PATTERN FOR HUD DELEGATIONS OF AUTHORITY.
- a. All of the authorities of the Department of Housing and Urban Development are vested in the position of Secretary of the Department. Most of these authorities are delegated to other Department offices or positions and the delegations of authority generally authorize successive redelegations with or without limitation.
- b. Consistent with the HUD organization pattern, delegations of authority from the Secretary are to Assistant Secretary and other primary organization head positions. Redelegations of authority are from Assistant Secretary and other primary organization head positions to positions in both Headquarters and the Field.
- c. Redelegations of Field authority from Assistant Secretary and other primary organization head positions are to Regional Administrator positions, other Regional Office positions, Area Manager positions and other positions subordinate to Area Manager positions. The redelegations of Field authority from each Assistant Secretary or other primary organization head position are usually set forth
- * in a single document. *
- d. Such delegations do not modify or otherwise affect the supervisory responsibilities of the position to which a delegatee is responsible. The positions of Regional Administrator and Area Manager will be redelegated, in

same final authority redelegated to their subordinates. Each position higher in the organization will hold the authority of other positions in the delegation.

- e. It is the policy and intention of the Department that (1) authority is to be redelegated to the lowest level consistent with the Department's organization pattern and assignments of functions, and (2) the position at the lowest level named in a redelegation will exercise the authority except in unusual circumstances.

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- 3-3. REVOCATION. The actions discussed in this paragraph apply to positions rather than the incumbents of positions. The right to redelegate authority normally carries with it the implicit right to revoke any such redelegation. Therefore, the incumbent of the position which issued a redelegation may revoke it by issuing the same type of document as was used for the redelegation.

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- 3-4. PERSONNEL ACTIONS AND DIRECTIVE AUTHORITY. This paragraph concerns only the exercise of supervisory authority rather than revocation of authority discussed in paragraph 3-3.

- a. Personnel Actions. Personnel actions which change the incumbents of positions in order to affect the incumbent's exercise of delegated authority are discussed in other handbooks and each such action should be taken only after consultation with appropriate personnel officers.

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- b. Directive Authority.

- (1) The incumbent of any supervisory position may direct the incumbent of any subordinate position not to exercise delegated authority either for a single case or for a period of time. The directive should be in writing, and a record should be made of the reasons for the directive. Copies of such directives should be provided to the Assistant Secretary, Deputy Under Secretary for Field Coordination where Field activities are involved or to the Assistant Secretary for Administration where Headquarters actions are involved.
- (2) A directive to the incumbent of a subordinate position not to exercise delegated authority does not change the delegated or redelegated authority of that subordinate position. If the subordinate violates a

directive in exercising the delegated authority of the subordinate position, the exercise of authority is legally effective and binding on the Department. However, violation of the directive may provide a basis for an adverse personnel action against the incumbent.

(3) A higher level official may not require a subordinate official to exercise delegated authority if the subordinate official's judgment is that he or she should not do so. In such circumstances, the higher level official should direct the subordinate official not to exercise the authority, and to refer the matter for sign-off to a higher level of authority.

(4) No official may modify by directive action or exercise authority which the official does not hold. For example, since a Regional Administrator holds all of the power of an Area Manager, the Regional Administrator has the power to suspend administratively and exercise all of the powers of Area Manager.

c. Limitations. Supervisory directives not to exercise authority should be issued only in unusual circumstances and for limited periods of time. Such directives shall not extend for a period of more than 120 days without the written concurrence of the Assistant Secretary who made the delegation and of the Assistant Secretary for Administration. Requests for Field actions shall be submitted through the Deputy Under Secretary for Field Coordination.

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3-5. OVERRIDE AUTHORITY.

a. Override authority is a special kind of use of revocation of delegated authority discussed in paragraph 3-3 or the exercise of directive authority discussed in paragraph 3-4.

b. Override authority is used by incumbents of Supervisory positions to take over entire operations or organization units or segments of them for an extended period of time in order to cure performance failures. It should be used as an adjunct to systems of performance evaluation and monitoring. Override authority is intended to be used sparingly, after notice to the subordinate official and reasonable time for corrective action. It might be used

(1) by an Area Manager or Housing Division Director to cure a bad performance situation in a Service Office or Valuation/Endorsement Station; (2) a Regional Administrator to correct the performance of all or some part of an Area Office; or (3) an Assistant Secretary to do so with respect to the Assistant Secretary's responsibilities in any one of these Offices or a Headquarters unit where a supervisory official has failed to do so. Headquarters approval must be secured in accordance with the requirements of paragraph 3-4 for the use of such authority by the incumbent of a Field position for periods of more than 120 days.

3-6. DESIGNATIONS.

- a. Definition. For the purposes of this chapter, designations are defined as legal instruments which indicate the order of subordinate positions which may exercise the authority of a higher level position when the incumbent of that position is disabled or absent or when there is a vacancy in that position.
- b. Designation of Acting Secretary. In the event of a vacancy in the Office of the Secretary, the Under Secretary acts as Secretary. When neither the Secretary nor the Under Secretary is available to exercise the powers or perform the duties of the Office of the Secretary, an Assistant Secretary or the General Counsel serves as Acting Secretary in such order as the Secretary prescribes; or in the event no order of succession is in effect, the Assistant Secretaries and General Counsel shall act in the order in which they took office (Executive Order 11274).

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- * c. Designations of Field Officers. In the event of a vacancy in the Office of the Regional Administrator, Area Manager or Service Office Supervisor, the Deputy Regional Administrator, Deputy Area Manager or Deputy Service Office Supervisor (as applicable) acts as the Regional Administrator, Area Manager or Service Office Supervisor. When neither of the aforementioned Officers is available to exercise the powers or perform the duties of the Office, an incumbent of the next echelon of line officials (Office Director, Division Director or Branch Chief) serves as acting Regional Administrator, Area Manager or Service Office Supervisor in such order as the Regional Administrator prescribes; or in the event no order of

succession is in effect these officials shall act in the order in which they took office. *

- d. Designations for other Positions. Designations may be made by the incumbent of any position having delegated or redelegated authority. Documents establishing an order of succession to several subordinate positions are more desirable than documents designating only one subordinate position, and are recommended.
- e. Vacancies Act. Vacancies in positions appointed by the President are subject to the requirements of the Vacancies Act, 5 U.S.C. 3345-9. The advice of the General Counsel should be secured with respect to any such vacancy.

3-7. FEDERAL REGISTER PUBLICATION.

- a. Delegations and redelegations of authority and designations establishing an order of succession should be published in the Federal Register in order that the public may be informed whether officials taking final actions have legal authority to do so. Consult Headquarters or Field counsel in cases of doubt whether this requirement pertains.
- b. HUD procedures for preparing and processing materials for Federal Register publication are set forth in Handbook 010.1, Drafting, Clearance and Publication of Federal Register Material.